

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:09CR324
)	
vs.)	ORDER
)	
DANTE J. VASSER,)	
)	
Defendant.)	

This matter is before the court on the motion of government to reconsider the court's previous order regarding a psychiatric evaluation of defendant Dante J. Vasser pursuant to 18 U.S.C. § 4241 (Filing No. 36), as amended (Filing No. 37). The court held a hearing on the motion on November 18, 2009. Appearing at the hearing were Vasser, his appointed counsel, Mark A. Weber, and Assistant U. S. Attorney John E. Higgins. Vasser had no objection to the motion.

IT IS ORDERED:

1. The motion for reconsideration (Filing No. 36) as amended (Filing No. 37) is granted.
2. The court's previous order of evaluation (Filing No. 34) is vacated.
3. Pursuant to 18 U.S.C. § 4241 Vasser is committed to the custody of the Attorney General for placement in a suitable facility to be examined for a reasonable period of time, not to exceed thirty (30) days, to determine whether Vasser is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.
4. A psychiatric or psychological report shall be filed with the court with copies provided to counsel of record at the completion of the period of examination.
5. Upon receipt by the court and counsel of the examination report, a hearing pursuant to 18 U.S.C. § 4247(d) shall be promptly scheduled to determine the competency of Vasser to stand trial in this matter.

DATED this 18th day of November, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge